

REMARKS

Claims 1-20 are all the claims pending in the application.

The Examiner issues a Restriction Requirement and requests that Applicants elect one of the following groups for prosecution on the merits:

Group I - Claims 1-4 and 11-14, drawn to an enzyme having an activity to release saccharides from a disaccharide glycoside and a method for producing a non-recombinant enzyme;

Group II - Claims 5-10, 13 and 14, drawn to a polynucleotide encoding an enzyme having an activity to release saccharides from a disaccharide glycoside, a vector, a host cell, and a method for producing a recombinant enzyme; and

Group III - Claims 15-20, drawn to method of modifying the composition of a material containing a disaccharide glycoside using an enzyme having an activity to release saccharides from a disaccharide glycoside.

In response, Applicants elect Group I, claims 1-4 and 11-14, drawn to an enzyme having an activity to release saccharides from a disaccharide glycoside and a method for producing a non-recombinant enzyme.

The election is made with traverse.

The Examiner's position appears to be that Groups I-III do not relate to a single general inventive concept, on the grounds that the enzyme of Group I was allegedly known in the prior

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art and therefore that Groups I-III lack a unifying feature that is a contribution over the prior art.

The Examiner cites Ijima et al. J. Agric. Food Chem. 46:1712-1718 in support of this position.

Applicants respectfully disagree, and assert that Groups I-III do relate to a single general inventive concept under PCT rule 13.1. The enzyme of the present invention is derived from a microorganism. In contrast, Ijima et al. teaches an enzyme from a higher plant. The enzyme of the present invention is clearly distinguished from the enzyme derived from plants by its sequence and physicochemical properties. See, e.g., specification at page 4, second full paragraph, and Example 10 at pages 68-71. Thus, Applicants assert that the enzyme of Group I, the polynucleotide of Group II, and method of use of Group III, do possess unity of invention under PCT Rule 13.1 because the enzyme of the present invention, which is derived from a microorganism, is a unifying feature that is a contribution over the prior art.

Thus, applicants respectfully request that the Examiner reconsider and remove the restriction requirement and examine claims 5-10 and 15-20 along with claims 1-4 and 11-14.

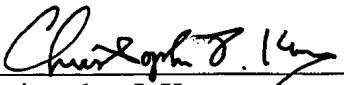
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

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